

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

IN RE: PHARMACEUTICAL INDUSTRY
AVERAGE WHOLESAL PRICE
LITIGATION

) MDL No. 1456
) Master File No. 1:01-CV-12257-PBS
) Sub-Category Case No. 1:08-CV-11200

THIS DOCUMENT RELATES TO:
*United States ex rel. Linnette Sun and Greg
Hamilton, Relators*
v.
*Baxter Hemoglobin Therapeutics; Baxter
International Inc.; Baxter Healthcare
Corporation*

) Judge Patti B. Saris

THE PARTIES' JOINT MOTION FOR ENTRY OF A SCHEDULING ORDER

Counsel for Defendant Baxter International Inc. and Counsel for Relators have conferred and have jointly agreed upon a proposed schedule for this case as described in the attached document. The parties hereby request that the Court accept and adopt the proposed schedule.

Respectfully submitted,

Dated: August 31, 2010

/s/ Merle DeLancey

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CERTIFICATE OF SERVICE

I hereby certify that I, Shamir Patel, an attorney, electronically filed the foregoing [PROPOSED] SCHEDULING ORDER with the Clerk of the Court for the District of Massachusetts using the Court's CM/ECF system on August 31, 2010. I also caused a true and correct copy of the foregoing document to be delivered to all counsel of record by electronic service via LexisNexis File & Serve, for posting and notification to all parties.

/s/ Shamir Patel
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WHEREAS, Relators have agreed to voluntarily dismiss Defendants Baxter International, Inc. and Baxter Hemoglobin Therapeutics, leaving only Defendant Baxter Healthcare Corporation;

WHEREAS, counsel for the Relators and counsel for the Defendants have conferred, and would like to explore the possibility of a resolution of this matter through informal mediation prior to the start of discovery;

NOW THEREFORE, it is ORDERED, as follows:

1. Relators will provide Defendants with a formal demand by no later than August 31, 2010.
2. Relators and Defendants shall engage in informal mediation prior to October 29, 2010 in an attempt to resolve this matter.
3. All deadlines shall be stayed during the pendency of this mediation period.
4. Should mediation not be successful, the parties will, by no later than November 15, 2010, jointly propose a schedule to the Court for further proceedings.

So ordered.

Judge Patti B. Saris